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Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Human rights questions

Letter dated 22 November 2000 from the Permanent Representative of Mali to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the Bamako Declaration issued by the Symposium on the Practices of Democracy, Rights and Freedoms in the French-speaking Community, held at Bamako from 1 to 3 November 2000 (see annex).

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly under agenda items 39 and 114.

(*Signed*) Moctar **Ouane**
Ambassador
Permanent Representative

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Annex to the letter dated 22 November 2000 from the Permanent Representative of Mali to the United Nations addressed to the Secretary-General

Bamako Declaration

We, the Ministers and heads of delegation of the States and Governments of the countries that use French as a common language, meeting at Bamako for the International Symposium on the status of practices of democracy, rights and freedoms in the French-speaking community,

Guided by the provisions of the Charter of la Francophonie, which establish as priority goals assistance in the establishment and development of democracy, conflict prevention and human rights,

Recalling the commitment of la Francophonie to the Universal Declaration of Human Rights and to regional charters, as well as the commitments made at the Summits of Dakar (1989), Chaillot (1991), Mauritius (1993), Cotonou (1995), Hanoi (1997) and Moncton (1999),

Situating our action within the framework of the United Nations Decade for Human Rights Education (1995-2004),

Considering the active presence maintained by la Francophonie as democratic processes have gone forward during the past 10 years,

Concerned that progress towards democracy should proceed through economic and social development and fair distribution of national resources aimed at achieving equal access to education, training, health and employment,

Wishing to meet the goal set at the Moncton Summit of holding an International Symposium to evaluate the status of the practices of democracy, rights and freedoms in the French-speaking community with a view to strengthening dialogue and cooperation so as to promote the rule of law and democratic culture, and of starting a new stage in the dialogue among French-speaking States and Governments with a view to highlighting the main trends, both in their recent experience and in their specific features,

1. Note

- That the status of the practices of democracy, rights and freedoms in the French-speaking community over the past 10 years reflects undeniable progress: the constitutional recognition of the importance of human rights, the establishment of the institutional framework for democracy and human rights, the existence of checks and balances, progress in establishing multiparty systems in many French-speaking countries and in holding free, credible and transparent elections, the contribution of the opposition to the working of democracy, the promotion of local democracy through decentralization;

- That the current status also reflects some shortcomings and failures: recurring conflicts, interruptions in democratic processes, genocide and massacres, serious violations of human rights, the persistence of behaviours hindering the development of a democratic culture, the lack of independence in certain

institutions, and economic, financial and social constraints, which cause citizens to lose faith in democracy;

2. Reaffirm our adherence to the following basic principles:

   1. Democracy is a system of universal values and is based on recognition of the inalienable nature of the dignity and equal value of all human beings; everyone has the right to play an active role in social, professional and political life and to enjoy the right to development;

   2. The rule of law implies that all institutions are subject to the law and also implies the separation of powers, the free exercise of human rights and fundamental freedoms, as well as the equality before law of citizens, male and female; all of these aspects form the constitutive elements of a democratic system of government;

   3. Democracy requires, in particular, the holding, at regular intervals, of free, credible and transparent elections based on the respect and exercise, without any hindrance or discrimination, of the right to freedom and personal security of all voters and candidates, the right to freedom of opinion and expression, in particular in the press or other means of communication, the freedom to assemble and demonstrate, and the freedom of association;

   4. Democracy is incompatible with any substantive change in the electoral system that is introduced in an arbitrary or secret way, and there must be a reasonable interval between the adoption of a change and its entry into force;

   5. Democracy presupposes the existence of political parties that have equal rights and are free to organize and express themselves, provided their programmes and actions do not call into question the fundamental values of democracy and human rights. Thus, democracy is linked with a multiparty system. The opposition must be guaranteed a clearly defined status free of any ostracism;[1]

   6. Democracy requires the practice of dialogue at all levels, between citizens, between social partners, between political parties, and between the State and civil society. Democracy implies participation by citizens in political life and allows them to exercise their right of control;

3. Declare

   1. That la Francophonie and democracy cannot be dissociated: there can be no strengthening of the aims of la Francophonie without constant progress towards democracy and its embodiment in reality; la Francophonie is, therefore, committed to democracy as a priority that must be translated into specific proposals and achievements;

[1] Reservations by Viet Nam and Laos with regard to article 2, paragraph 5 — Grounds: democracy and multiparty systems are separate ideas and should not be treated as the same. Democracy is a goal, whereas a multiparty system is only a way to achieve a goal. The way chosen by each country to achieve the goal must be determined by its people in terms of its specific cultural, historical, economic and social features.

2. That for la Francophonie there is no single organizational scheme for democracy and that the forms in which democracy expresses itself, while respecting universal principles, must form part of the historical, cultural and social realities and specific features of each people;

3. That democracy, as the political framework for the rule of law and the protection of human rights, is the system of government that best promotes long-term stability and legal security; thanks to the climate of freedom that it creates, democracy also establishes the conditions for freely accepted mobilization on the part of the people to achieve development; democracy and development cannot be dissociated: these are the factors promoting lasting peace;

4. That citizens, including the poorest and the most disadvantaged, will judge democracy by the care with which all of their rights, civil and political, are respected, by the degree to which they are able to enjoy those rights and by the extent to which those rights are protected by guarantees and machinery. These are the essential conditions under which they will join institutions and be motivated to become full-fledged actors in political and social life;

5. That, in the interest of preserving democracy, la Francophonie condemns all coups d'état and any seizure of power through violence, arms or other illegal means;

6. That, in the interest of strengthening democracy, the action undertaken by la Francophonie must be based on international cooperation that draws on the positive practice and experience of each member State or Government;

7. That democratic principles, in all their political, economic, social, cultural and legal dimensions, must also underlie international relations;

4. Undertake the following commitments:

A. In order to consolidate the rule of law,

1. To strengthen the capacities of the institutions, traditional or new, that make up the rule of law and to strive to enable them to enjoy the full independence they need in order to carry out their mission impartially;

2. To encourage the renewal of parliaments as institutions, by materially assisting the work of elected officials, ensuring that their immunities are respected, and promoting their training;

3. To ensure the independence of the judiciary and of counsel and the promotion of effective and accessible justice, which ensures a rule of law, in accordance with the Cairo Declaration and Ten-year Plan of Action adopted by the Third Conference of French-speaking Ministers of Justice;

4. To establish the principle of transparency as the rule in the work of institutions;

5. To broaden the practice and scope of the monitoring by impartial authorities of the actions of all bodies and institutions, as well as public and private establishments that operate with public funds;

6. To support the activities of institutions established in the framework of regional integration and cooperation, with a view to promoting the emergence at this level of a civic conscience oriented towards development, progress and solidarity;

B. In order to encourage the holding of free, credible and transparent elections,

7. To strive to strengthen the national capacities of all the actors and structures involved in the electoral process, with a focus on setting up a registry office and reliable lists of voters;

8. To ensure that the organization of elections, from the preparatory activities and the electoral campaign to the counting of the votes and the announcement of the results, including, where required, contests of the election results, takes place in complete transparency and that this process is handled by credible organs whose independence is recognized by all;

9. To guarantee the full participation of citizens in the vote, as well as equal treatment of candidates during the entire election process;

10. To involve all legally established political parties, those in the majority as well as those in the opposition, in all stages of the electoral process, respecting the democratic principles enshrined in the basic texts and the institutions, and to allow them to receive funds from the State budget;

11. To take the necessary steps to move towards national financing of elections with public funds;

12. To accept the results of free, credible and transparent elections;

C. In order to achieve a calm political life,

13. To ensure that the basic texts governing democratic life are based on a broad national consensus, while still in conformity with international standards, and that they be regularly evaluated and adapted;

14. To encourage the participation of all political parties, those in the opposition as well as those in the majority, in the national, regional and local political life, in accordance with the law, so as to settle any conflicts of interest peacefully;

15. To promote the participation of citizens in political life as local democracy is progressively established, which is an essential condition for strengthening democracy;

16. To prevent disputes and tensions between political and social groups, and where necessary settle them peacefully, seeking out all appropriate mechanisms and arrangements, such as determining the

status of former high officials without prejudice to their criminal responsibility under national and international laws;

17. To recognize the place and facilitate the continued involvement of civil society, including non-governmental organizations, the media and traditional moral authorities, enabling them, in the public interest, to participate actively in a balanced political life;

18. To ensure true respect for freedom of the press and equal access of the various political forces to the public and private media, whether written or audio-visual, under a regulatory system that is in line with democratic principles;

D. In order to promote an internalized democratic culture and full respect for human rights,

19. To develop a spirit of tolerance and promote democratic culture in all its dimensions, so as to foster awareness among public officials, all participants in political life and all citizens, through education and training, of the ethical requirements of democracy and human rights;

20. To promote, to that end, the emergence of new partnerships between public and private initiatives, mobilizing all those engaged in promoting democracy and human rights;

21. To ratify the principal international and regional human rights instruments, fulfil and perfect the commitments undertaken thereby, ensure their full implementation and train all those in charge of their proper enforcement;

22. To adopt, in particular to combat impunity, all measures aimed at the pursuit and punishment of those who commit grave violations of human rights, as provided for in a number of international and regional legal instruments, including the Rome Statute establishing the International Criminal Court, and to call for the speedy ratification of the Statute by as many States as possible;

23. To create, promote and strengthen national consultative and non-consultative human rights bodies, support the establishment of human rights structures in national administrations and support actions in defence of human rights;

24. To take appropriate steps to grant members of minority groups, whether they be ethnic, philosophical, religious or linguistic groups, freedom to practise or not to practise a religion, the right to speak their own language and the right to have their own cultural life;

25. To ensure respect for the dignity of immigrants and the enforcement of the relevant provisions contained in international instruments concerning immigrants.

* * *

To these ends, and in the quest for a renewed partnership, have agreed as follows:

- To intensify cooperation between the International Organization of la Francophonie and regional and international organizations, to develop concerted action to democratize international relations and to support, in this context, initiatives to promote democracy;

- To strengthen the mechanism for concerted action and permanent dialogue with international non-governmental organizations recognized by la Francophonie, particularly with those that pursue the same objectives in the fields of democracy and human rights;

5. Decide to recommend the implementation of the following procedures to monitor the practices of democracy, rights and freedoms within the French-speaking community:

1. The Secretary-General shall be kept informed at all times of the situation of democracy, rights and freedoms in the French-speaking community, supported by, inter alia, the Delegation to Democracy and Human Rights, which is responsible for monitoring respect for democracy and human rights in countries members of la Francophonie;

A continued evaluation of democratic practices, rights and freedoms in the French-speaking community shall be carried out as a preventive measure in the framework of the International Organization of la Francophonie, on the basis of the founding principles set forth above. This evaluation shall make it possible to:

- Define the most appropriate steps to support the implanting of democracy, rights and freedoms;

- Provide States and Governments, at their request, with the necessary assistance in these fields;

- Help to set up an early warning system.

2. Confronted by a crisis in democracy or with grave human rights violations, the bodies of the French-speaking community shall consider the issue, under the provisions of the Charter, in order to take steps to prevent the worsening of the situation and contribute to a settlement. To that end, the Secretary-General proposes the following specific measures:

- He may send a facilitator to help find consensus solutions. The success of any action depends upon the prior acceptance of the facilitation process by the authorities of the country concerned. The facilitator shall be chosen by the Secretary-General after consultation with the President of the Ministerial Conference, by agreement among all the participants. Facilitation shall be carried out in close cooperation with the Standing Council;

- He may decide, in the case of an action arousing the concern of the French-speaking community, to send, in agreement with the Standing Council, legal observers to a country with the consent of that country.

3. In the case of a breakdown of democracy or massive human rights violations, the following actions shall be taken:

The Secretary-General shall immediately consult with the President of the Ministerial Conference of la Francophonie;

The issue shall be immediately and automatically included on the agenda of the Standing Council, which may be convened urgently in special session and, where necessary, may:

- Confirm the breakdown of democracy or the existence of massive human rights violations;
- Publicly condemn them;
- Call for the re-establishment of the constitutional order or an immediate halt to such violations.

The Standing Council shall notify the parties concerned of its decision.

The Secretary-General shall contact the relevant authorities. He may send a mission to gather information and make contact. A report shall be written as soon as possible by this mission and shall be submitted to the national authorities for comment. The mission's report and the comments of the national authorities shall be submitted to the Standing Council for any action that it deems necessary.

The Standing Council may take any of the following steps:

- It may refuse to support nominations submitted by the country concerned to elective posts in international organizations;
- It may refuse to allow events or conferences of la Francophonie to be held in the country concerned;
- It may make recommendations concerning the granting of visas to the current authorities of the country in question and the reduction of intergovernmental contacts;
- It may suspend the participation of representatives of the country concerned at meetings of its bodies;
- It may suspend multilateral cooperation among French-speaking countries, with the exception of programmes that directly benefit the civilian populations and those that are conducive to the re-establishment of democracy;
- It may recommend that the country concerned should be suspended from la Francophonie. In the case of a military coup d'etat against a democratically elected government, such suspension shall be automatic.

Where measures have been taken to restore the constitutional order or put an end to massive human rights violations, the Standing Council shall determine the procedure for the return to the normal institutional operations, together with guarantees of respect for human rights and fundamental freedoms. It shall decide on measures to accompany this process to be taken by la Francophonie in partnership with other international and regional organizations.

Where necessary, the Standing Council shall refer the matter to the Ministerial Conference of la Francophonie through its President.

The question of the breakdown of democracy of massive human rights violations in a country and measures taken shall remain on the agenda of the Standing Council as long as such breakdown or violations persist.[2]

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We, the Ministers and heads of delegation of the States and Governments of the countries that use French as a common language,

Hereby adopt this Declaration;

Request the Secretary-General of the International Organization of la Francophonie to ensure its implementation;

Transmit to the heads of State and Government, with a view to its consideration at their ninth summit meeting, to be held in Beirut, the draft programme of action annexed hereto.

Bamako, 3 November 2000

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[2] Reservation of Viet Nam and Laos to article 5, paragraph 3.